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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)*

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations as well as information provided by the Government of Argentina and that available in public sources. Information was transmitted by the administering Power on 30 December 2011. Further details are contained in previous working papers posted on the United Nations website http://www.un.org/en/decolonization/workingpapers.shtml.

* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see ST/CS/SER.A/42).

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I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, comprising two large islands, known as East and West Falkland, as well as hundreds of smaller islands, and a total area of about 12,173 km^2. The Falkland Islands (Malvinas) are situated in the South Atlantic, about 770 km north-east of Cape Horn and about 480 km east of the South American mainland. South Georgia, located about 1,300 km south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 km east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate territory; the Governor of the Falkland Islands (Malvinas) acts concurrently as Commissioner for South Georgia and the South Sandwich Islands. According to the latest census (2006), the population of the Falkland Islands (Malvinas) was 2,478 (not including residents temporarily absent and civilians working in conjunction with the Ministry of Defence), representing the largest population since 1931. A dispute exists between the Governments of Argentina and the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas).

II. Constitutional and political issues

2. The Constitution that was approved in 2008 and came into force on 1 January 2009 (Statutory Instrument 2008, No. 2846) has been protested by Argentina (see A/63/542, annex I). Under the Constitution, members of the legislature elect a Speaker to preside over sittings of the Legislative Assembly. A Chief Executive is appointed by the Governor in agreement with the Legislative Assembly as head of the public service to implement policy. Each member takes responsibility for a particular portfolio and works closely with the relevant departments. Members do not have ministerial responsibility. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Assembly who are elected annually from their own number, in addition to two ex officio members who have no voting rights. The Attorney General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but do not vote. The United Kingdom-appointed Governor has responsibility for foreign policy and defence. By the terms of the Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good government of the Territory, while full power to make laws for the peace, order and good government of the Territory is reserved for the British Crown.

3. The last general elections were held for all eight members of the Legislative Assembly on 5 November 2009, five from the Territory's urban constituency (Stanley) and three from the Camp (i.e., outside the Territory's only town), for a four-year term. The current Governor, Nigel Haywood, took up his appointment in October 2010.

4. During 2011 and early 2012, Argentina and the United Kingdom continued to reiterate their respective positions regarding various constitutional, military and economic aspects of the sovereignty dispute over the Territory. That action included written démarches and the issuance of press releases by Argentina on 10 June 2011 in connection with the observance of the "Day of Affirmation of Argentine rights

over the Malvinas Islands" and other areas and on 3 January 2012 "on the occasion of the latest anniversary of the illegitimate occupation of the Malvinas Islands by the United Kingdom" and remarks to the media, as well as written démarches by the United Kingdom before the United Nations, rejecting territorial and other claims made by Argentina (see A/AC.109/2011/14; A/66/653, annex; and A/66/677, annex).

5. On 10 February 2012, the Secretary-General met with the Foreign Minister of Argentina, Héctor Timerman, and discussed recent developments related to the Falkland Islands (Malvinas). The Foreign Minister, inter alia, lodged a protest against what he termed the United Kingdom's "militarization of the South Atlantic" and sought the Secretary-General's support for dialogue in the context of his good offices. The Secretary-General expressed concern about the increasingly strong exchanges between the Governments of Argentina and the United Kingdom on that issue. He expressed the hope that the Governments of Argentina and the United Kingdom would avoid an escalation of the dispute and resolve differences peacefully and through dialogue. The Secretary-General reiterated that his good offices to resolve the dispute remained available if both countries so requested.

6. Further, the Foreign Minister expressed the same protest in meetings with the Presidents of the Security Council and the General Assembly, subsequently followed up with a letter to the President of the General Assembly. In the letter, it was stated that Argentina had been "compelled to alert the international community, through the principal organs of the United Nations, to the growing British militarization of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas". Argentina had information referring to "the dispatch of a nuclear submarine with the capacity to transport nuclear weapons to the South Atlantic". Further, the communication stated that "the British military escalation is of concern not only to Argentina but also to the countries of the region and beyond", and mentioned the rejection of "British military deployment in the area" by the Union of South American Nations (UNASUR) and the Ibero-American Summit of Heads of State and Governments. The same day at a press conference the Minister for Foreign Affairs called for the start of dialogue on the sovereignty of the Islands and urged the United Kingdom to comply with the numerous General Assembly resolutions which called for both parties to sit down at the negotiating table and to refrain from the militarization of the South Atlantic (see A/66/696-S/2012/86, annex).

7. For his part, the Permanent Representative of the United Kingdom, Mark Lyall Grant, stated at a press conference the same day that the Argentine accusations were "manifestly absurd". The United Kingdom wrote to the Secretary-General on 22 February 2012, outlining that the military posture of the United Kingdom "has not changed" and "exists only in order to protect the rights and freedoms of the people of the Falkland Islands to determine their own political, cultural and economic futures". The United Kingdom considered the accusations to be "unwarranted and baseless" and stated that it "calls into question the evidential threshold applied by the Republic of Argentina to all its political claims". While the United Kingdom considered that there were many opportunities for cooperation in the South Atlantic, it listed recent actions by Argentina that "call into question the commitment of the Republic of Argentina to peaceful cooperation in the South Atlantic and its adherence to binding international law". The United Kingdom stated that there "will be no negotiations on sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish" (see A/66/706, annex).

8. Additional information on the positions of the administering Power and the Government of Argentina can be found below.

III. Budget

9. The Territory's financial year runs from 1 July to 30 June. According to the administering Power, the Territory makes every effort to maintain a balanced budget. For 2011/2012, the approved estimate for total revenue was £46.5 million, of which £13.5 million was estimated to come from fisheries, £5.5 million from investment income, £12.3 million from taxation and £6.1 million from public works. During the same period, the revised estimate for expenditure was £46.4 million.

IV. Economic conditions

A. General

10. The gross domestic product (GDP) of the Islands was estimated by the administering Power to be about £100 million per annum. An estimate of the per capita GDP is approximately £40,000. Increasing revenue from corporation tax indicates a growing private sector. The fishing industry remains the most important sector of the economy (accounting for about 50 per cent of GDP), with the tourism sector and other sectors, such as livestock production and processing, witnessing growth in recent years. According to the administering Power, the Islands have recently begun the implementation of a long-term economic development strategy which has a focus on reducing dependence on the fishing industry through development of tourism and the rural economy, and attracting new industries. The latest Islands Plan (2010-2015) outlines a vision for economic growth and financial stability, improved quality of life, and improved transport and telecommunications infrastructure.

B. Fisheries, agriculture and livestock

11. Loligo and Illex species of squid are the mainstay of the fisheries and economy of the Territory. In recent years, Loligo catches have been relatively stable whereas Illex catches have declined. Both species have a one-year life cycle. Loligo squid are fished in several zones and on the high seas. In addition to those two squid species, a number of finfish are targeted, including rockcod, hake and hoki. According to the administering Power, the Fisheries Department is responsible for administering the fisheries sector in the Territory.

12. The most significant change in agriculture in recent years has been the development of the meat industry and of farming adjusted to produce dual-purpose sheep that will maximize returns from both meat and wool. According to the administering Power, 1.7 million kilograms of wool were exported from the Islands in 2010, and 45,000 sheep and lambs were processed through the Sand Bay abattoir for export. The Territory has an ongoing five-year business plan in support of agriculture. According to media reports, during 2011 several visits to wool and meat producers and processors abroad took place to foster commercial and trade links.

C. Tourism

13. Tourism is a significant contributor to the Territory's economy, valued as previously reported at approximately £6.1 million per annum. There has been a measurable expansion in the Falkland Islands (Malvinas) tourism sector in recent years, with an average annual growth rate in visitor arrivals of 5 per cent. The 2010/2011 cruise season closed with a total of 40,542 passenger arrivals. Almost £1.4 million was spent in the Islands by cruise passengers, 43 per cent of that amount being spent on tours, 38 per cent on shopping and 16 per cent on food and drink.

D. Transport, communications and utilities

14. The Territory has approximately 1,000 km of roads. Work continues in upgrading roads connecting outlying settlements and farms. In addition to roads, communications are ensured through a coastal shipping service to settlements on the east, west and outlying islands, a regular ferry service between the two main islands, and local air services.

15. In 2011, LAN Airlines continued to provide a regular weekly service between Punta Arenas, Chile, and the Falkland Islands (Malvinas), including two monthly stopovers in Río Gallegos, Argentina, in accordance with the provisions of the Joint Statement of 14 July 1999 between Argentina and the United Kingdom. Moreover, under the Exchange of Notes Flights and Navigation Agreement of 23 February 2001, private flights are authorized, as are a number of medical evacuation flights from the Falkland Islands (Malvinas) to mainland Argentina and Chile. Related information can be found in section VIII below.

16. In response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), in February 2010 Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters. In this connection, Argentina and other countries, as well as the Ibero-American Summit, the Latin America and Caribbean Summit, the Southern Common Market (MERCOSUR) and UNASUR, recalled that the General Assembly, in resolution 31/49 of 1 December 1976, had called upon both parties to the dispute to refrain from introducing unilateral modifications in the situation. Against the backdrop of the gradual implementation of those decisions, on 20 December 2011 members of MERCOSUR decided to close their ports to "vessels flying the illegal flag of the Malvinas Islands". (Additional information can be found in A/AC.109/2011/14; A/65/789, annex; and in sections VIII and IX below.)

17. For its part, the United Kingdom considers that Presidential Decree 256/2010 was not compliant with international law, including the United Nations Convention on the Law of the Sea. According to the administering Power, during 2011 Argentina had repeatedly and unilaterally infringed on the right of innocent passage and freedom of navigation under the Convention by taking action against the small island community's transport arrangements (counter to General Assembly resolution 31/49 of 1 December 1976). (Additional information can be found in A/AC.109/2011/14; A/65/850, annex; and section IX below.)

18. Concerning telecommunications, the introduction of Island-wide rural broadband access has improved the situation within and outside the Territory.

Brief history: The first missionaries from Spain arrived in Guam in the late seventeenth century when the island was inhabited by the indigenous Chamorro people, of Malayo-Polynesian descent. The Chamorro now constitute just over one third of the population and play an active role in the political and social life of the island, which has evolved into a multi-ethnic society.

[a] EEZ data derived from J. D. Bell, J. E. Johnson and A. J. Hobday, eds., *Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change* (Nouméa, New Caledonia, Secretariat of the Pacific Community, 2011). E-book, available from http://www.spc.int/climate-change/fisheries/assessment/ebook.

According to the administering Power, there are over 1,000 computers in the Territory. In 2011, approximately 75 per cent of its households were connected to broadband Internet.

19. The Territory's major wind farm meets approximately 26 per cent of urban electricity needs. The capacity of the wind farm has recently been doubled, with the expectation that, as a result, wind power will meet 40 per cent of the Territory's urban electricity needs. On a smaller scale, wind turbines provide homesteads and small settlements with power.

E. Environment and hydrocarbons

20. According to the administering Power, the Falkland Islands (Malvinas) works to uphold a number of environmental treaties and conventions. For its part, Argentina rejected the territorial application of those treaties and conventions by the United Kingdom on the grounds that the Territory, along with the surrounding maritime areas, were an integral part of Argentina.

21. In 2011, environmental projects included the conservation of penguins, the eradication of rats, and the creation of a network of protected areas with a view to meet international commitments, against which Argentina formally protested in September 2011. Further, a survey carried out the same year indicated that the most common type of marine debris found along the Territory's shores was plastic debris originating from vessels at sea or from nearby landfill sites, most of which are reportedly located near coastal areas.

22. Offshore exploration for hydrocarbons continued in 2011 amid protest from Argentina, other Member States and regional organizations. According to the administering Power, an oil and gas discovery has been declared by two of the licensees, with one indicating that it considers the discovery to be potentially commercial. (Additional information can be found in A/AC.109/2011/14, the preceding section and the section on international organizations and forums below.)

V. Social conditions

A. General

23. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, have been extended to the Falkland Islands (Malvinas) by the administering Power. For its part, Argentina has consistently rejected the territorial application by the United Kingdom of those various instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, as well as the designation of the Territory as an Overseas Territory of the United Kingdom or any other similar designation. (Additional information can be found in A/AC.109/2011/14.)

I. Constitutional, legal and political issues

1. Guam was administered by the Department of the Navy of the United States of America until 1950, when the United States Congress enacted the Organic Act of Guam, which established institutions of local Government and made Guam an unincorporated Territory of the United States with limited self-governing authority. Since then, the Territory has been administered by the Department of the Interior. Guam is an unincorporated Territory, since not all provisions of the United States Constitution apply to the island. As an unincorporated Territory, Guam is a possession but not part of the United States.

2. The United States Constitution does not permit Guam to appoint electors of the President and Vice-President of the United States. The people of Guam elect a Governor, who serves for a four-year term. No person who has been elected Governor for two full successive terms shall again be eligible to hold that office until one full term has elapsed. The Governor is responsible for the general supervision and control of the executive branch and submits an annual report to the United States Secretary of the Interior for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the legislature, make his views known to that body and veto legislation. Following the November 2010 elections, Eddie Baza Calvo (Republican) was declared the new Governor of Guam.

3. Fifteen senators who serve two-year terms in the unicameral legislature are also elected. The legislature may override the Governor's veto. Under the 1950 Organic Act of Guam, the United States Congress reserves the authority to annul any law enacted by the Guam legislature. Guam has two main political parties, the Republican Party and the Democratic Party, which are local chapters of the two main United States political parties. In the November 2010 legislative elections, the Democrats won nine seats, and the Republicans six seats.

4. Since 1972, Guam has had one delegate to the United States House of Representatives. As previously reported, the delegate, who serves a two-year term, may vote in committee and, since January 2007, on floor amendments, but not on the final approval of bills. In the November 2010 elections, Madeleine Z. Bordallo, a Democrat, ran unopposed. She was sworn in on 5 January 2010 for her fifth term as Guam's delegate to Congress.

5. The judicial system in Guam comprises local and federal components. The local judicial system consists of a Superior Court and a Supreme Court, which are led by judges appointed by the Governor and confirmed by the legislature. Local judges are subject to confirmation by voters every six years. In 2004, the judiciary of Guam was established as an independent branch of Government. The law confirmed the appellate jurisdiction and administrative authority of the Supreme Court of Guam over all inferior courts in the Territory, thereby effectively establishing a unified local judiciary.

6. At the federal level, a District Court judge, appointed by the President of the United States, is the head of the United States District Court of Guam. In 1998, Congress adopted an amendment to the Organic Act of Guam, allowing the Guam legislature to elect its own Attorney General for a four-year term. The Attorney General is the chief legal officer of the Government of Guam and is empowered with prosecutorial authority.

B. Public health

24. According to the administering Power, the general state of health in the Falkland Islands (Malvinas) is good. Medical and dental treatment is free to all residents under a health agreement.

C. Social security and welfare

25. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and by employees between the ages of 17 and 64. A system of social welfare grants and pensions is in place to deal with cases of hardship and disability.

D. Education

26. Education in the Falkland Islands (Malvinas) is free and compulsory for all children between the ages of 5 and 16, with access to preschool (nursery) education from the age of 4. In 2011 approximately 380 schoolchildren were registered.

27. According to information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) enjoy equality of access to the Argentine public education system. Additional information on the subject is contained in the 2011 report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (A/66/68, sect. II.B).

VI. Mine clearance and related matters

28. Under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, known also as the Ottawa Convention, States parties are obliged to clear anti-personnel mines in mined areas within 10 years of the Convention's entry into force, unless an extension is granted under the Convention.

29. In November 2008, the Ninth Meeting of States Parties to the Ottawa Convention decided to grant the United Kingdom an extension until 1 March 2019. The United Kingdom proceeded with the clearance of four mined areas in the Territory. According to the administering Power, the four-site clearance programme was completed in June 2010. A three-month follow-up phase of clearance is expected to start in 2012.

30. As previously reported, the Second Review Conference of the Ottawa Convention in December 2009 agreed to grant the request of Argentina for an extension until 1 January 2020. At the Eleventh Meeting of States Parties to the Ottawa Convention, held in Phnom Penh from 28 November to 2 December 2011, Argentina stated that mine-clearing planning would be implemented as soon as it exercised control over the areas in question, subject to a sovereignty dispute, or when both Argentina and the United Kingdom reached agreement over making progress in such planning.

VII. Participation in international organizations and arrangements

31. According to information provided by the administering Power, the government of the Falkland Islands (Malvinas) attends various Commonwealth forums, and is a member of the United Kingdom Overseas Territories Association and the South Atlantic Territories Cooperation Forum, which was established in 2010. Representatives of the Government also participate as members of the United Kingdom delegation in discussions on various matters affecting their interests.

VIII. Consideration by intergovernmental organizations and forums

32. During meetings held in 2011, intergovernmental entities, including regional and subregional organizations, such as the Group of 77 and China Ministerial Meeting (New York, 23 September 2011), the Community of Latin American and Caribbean States (CELAC) (Caracas, 3 December 2011), the General Assembly of the Organization of American States (San Salvador, 7 June 2011), MERCOSUR (Asunción, 29 June 2011 and Montevideo, 20 December 2011), UNASUR (Asunción, 29 October 2011), the Ibero-American Summit (Asunción, 28 and 29 October 2011, and the Summit of the Heads of State and Government of the Bolivarian Alliance for the Peoples of Our America (Caracas, 4 and 5 February 2012), addressed the question of the Falkland Islands (Malvinas) and, inter alia, reaffirmed the need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution to the dispute. Some of those organizations rejected the aforementioned hydrocarbon- and military-related activities of the United Kingdom.

33. Moreover, some of the above-mentioned forums, including CELAC and UNASUR, requested the Secretary-General to renew his good offices on the question and keep them informed. When meeting on 6 April 2011, the Foreign Minister of Argentina gave the Secretary-General a letter signed by the Heads of State and Government of UNASUR requesting him to renew his mission of good offices entrusted to him by the General Assembly to find a solution to the sovereignty dispute. Further, in a meeting on 19 December 2011, in his capacity as representative of the *pro tempore* Presidency of CELAC, the Permanent Representative of Chile, Octavio Errázuriz Guilisasti, requested the Secretary-General to renew his good offices efforts. (Additional information can be found in A/65/812, annex; A/66/388, annex; A/66/548, annex; A/66/549, annex; A/66/653, annex; and A/66/606, annex.)

34. According to the administering Power, the United Kingdom is not a member of the aforementioned organizations, with the exception of the European Union, and it has not been represented at any of the aforementioned meetings, with the exception of that of the Organization of American States, with which the United Kingdom has observer status. Further, the Seventh Ministerial UK-Caribbean Forum, co-chaired by the Foreign Secretary of the United Kingdom and the Chair of the CARICOM Council for Foreign and Community Relations, held in Grenada on 21 and 22 January 2012, agreed, inter alia, "to support the principle and the right to self-determination for all peoples, including the Falkland Islanders" (see also A/65/850 and section X below).

IX. Future status of the Territory

A. Position of the administering Power

35. In exercise of the right of reply to the remarks made by the President of Argentina in the General Assembly on 21 September 2011, the United Kingdom, inter alia, reiterated that there could be "no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish" and that the principle of self-determination "underlies our position on the Falkland Islands". Further, the United Kingdom indicated that "the Falkland Islands Government is entitled to develop both fisheries and hydrocarbons industries within its own waters. This right is an integral part of the right of self-determination, which is expressly contained in article 1 (2) of the International Covenant on Civil and Political Rights", and that "the United Kingdom continues to believe that there are many opportunities for cooperation in the South Atlantic. However, in recent years the Republic of Argentina has rejected these opportunities" (see A/66/385, annex).

36. According to information provided by the administering Power, in the annual new year message to the Territory for 2012, the Prime Minister of the United Kingdom, David Cameron, reiterated the commitment of the United Kingdom to the Islanders, and noted that "Argentina continues its unjustified and counterproductive efforts to disrupt shipping around the Islands and to deter business from engaging in legitimate commerce", adding: "I firmly believe that it is in our interest that we have a constructive relationship with Argentina. There is common ground to be found on issues like the global economy and climate change. We want to work with Argentina on those issues. But the Argentine Government has continued to make statements which challenge your right to self-determination, and we can never accept that." The Prime Minister further stated: "So let me be absolutely clear. We will always maintain our commitment to you on any question of sovereignty. Your right to self-determination is the cornerstone of our policy. We will never negotiate on the sovereignty of the Falkland Islands unless you, the Falkland Islanders, so wish. No democracy could ever do otherwise."

B. Position of the Government of Argentina

37. As reflected in the official records of the sixty-sixth session of the General Assembly (A/66/PV.11), the President of Argentina, Cristina Fernández de Kirchner, in her address to the General Assembly on 21 September 2011, inter alia, stated with respect to the Falkland Islands (Malvinas) that 10 General Assembly resolutions, 29 resolutions of the Special Committee on decolonization, 11 resolutions and 8 declarations of the Organization of American States, as well as the resolutions of various forums, such as the Ibero-American forums, the Union of South American Nations, the Southern Common Market, and meetings of Arab and African countries had demanded that the issue of sovereignty be addressed.

38. The speaker went on to say that the United Kingdom had "systematically refused to do so" and had "obviously used its status as a veto-wielding member of the Security Council to that end". Further, the President stated that Argentina would wait for a reasonable period of time, but if nothing transpired, it would be forced to begin reviewing the provisional understandings between the two countries that are still in effect, in particular the joint statement and exchange of letters of 14 July

1999 on regular weekly Lan Chile flights between Punta Arenas and the Islands with two monthly stopovers, one in each direction, in Río Gallegos. Further, Argentina had no intention of exacerbating the situation for any party, but considered it fair that the General Assembly and the United Kingdom be aware that there had to be compliance with the resolutions. The speaker concluded by calling for dialogue with the United Kingdom and dialogue among all the members of the General Assembly on the dispute.

39. Additional information on the position of the Government of Argentina can be found in section X.A below.

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

40. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 6th and 7th meetings on 21 June 2011, as reflected in A/AC.109/2011/SR.6 and 7. At its 6th meeting, the Special Committee decided to accede to the requests of the delegations of Argentina, Brazil, El Salvador, Guatemala, Guyana, Paraguay, Peru and Uruguay to participate in the Committee's consideration of the item.

41. Also at the 6th meeting, the Special Committee heard statements by Roger Edwards and Richard "Dick" Sawle from the Legislative Assembly of the Falkland Islands (Malvinas). María Angélica Vernet and Alejandro Betts also made statements.

42. At the same meeting, the representative of Chile, on behalf of Bolivia (Plurinational State of), Chile, Cuba, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of), introduced draft resolution A/AC.109/2011/L.7, which the Special Committee adopted without a vote at its 6th meeting. In the resolution, the Special Committee reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the negotiated settlement of the dispute, in accordance with the relevant General Assembly resolutions.

43. The Foreign Minister of Argentina made a statement at the 6th meeting of the Special Committee on 21 June 2011. As reflected in the meeting's summary record, the Foreign Minister, inter alia, reiterated "the unrenounceable and imprescriptible rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas". He recalled that by resolution 2065 (XX), the General Assembly had characterized the Islands' situation as a sovereignty dispute between Argentina and the United Kingdom. The Foreign Minister went on to say that the strategic and financial interests of the United Kingdom were reflected in its "illegal exploration for and exploitation of" renewable and non-renewable natural resources in the disputed archipelago and waters. Those activities were considered an affront to Argentina and other countries in the region.

44. Further, the speaker stated that the conduct of military exercises on the Islands, including the firing of missiles, was of concern to the entire region, as it violated the elementary rules on the safety of navigation and of life at sea. For its part, Argentina continued to be a strong advocate of the right to self-determination whenever that right applied; however, it did not apply to the question at hand, since the inhabitants of the Territory were British subjects and not a colonized people. Argentina was not averse to cooperating with the United Kingdom on practical matters concerning the de facto situation in the South Atlantic, with a view to creating a suitable framework for the resumption of negotiations. Argentina was willing to fulfil the duty incumbent on both parties to resume sovereignty negotiations. The refusal of the United Kingdom to heed the calls of the international community was regarded as especially worrisome given that it was a permanent member of the Security Council, a body the main purpose of which was to preserve international peace and security.

45. The Foreign Minister concluded by saying that Argentina attached great value to the mission of good offices entrusted to the Secretary-General as a means of bringing the parties to the negotiating table. The Heads of State and Government of the Union of South American Nations had recently asked the Secretary-General to renew his efforts in that regard (see A/AC.109/2011/SR.6).

46. At the 6th and 7th meetings of the Special Committee, the representatives of Bolivia (Plurinational State of), Brazil, China, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Grenada, Guatemala, Guyana (speaking on behalf of UNASUR), Indonesia, Mali, Nicaragua, Paraguay (speaking on behalf of the States members and associated States of MERCOSUR), Peru, the Russian Federation, Sierra Leone, the Syrian Arab Republic, Uruguay and Venezuela (Bolivarian Republic of) also made statements on the question of the Falkland Islands (Malvinas) (see A/AC.109/2011/SR.6 and 7).

B. Special Political and Decolonization Committee (Fourth Committee)

47. On 3, 6 and 10 October 2011, during the debate on decolonization issues in the Special Political and Decolonization Committee (Fourth Committee) of the sixty-sixth session of the General Assembly, the delegations of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Cuba, Ecuador, Guatemala, Guyana, Mexico, Nicaragua, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of) referred to the question of the Falkland Islands (Malvinas), as reflected in A/C.4/66/SR.2, A/C.4/66/SR.5 and A/C.4/66/SR.6.

48. On 3 October, the representative of Uruguay, speaking on behalf of MERCOSUR, the State party in the process of accession, Venezuela (Bolivarian Republic of), and the associated States of Bolivia (Plurinational State of), Chile, Colombia, Ecuador and Peru, inter alia, reiterated their support for the legitimate rights of the Argentine Republic in the sovereignty dispute over "the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas", which had been reaffirmed in the Joint Communiqué of the Presidents of the States parties of MERCOSUR and associated States had adopted on 29 June 2011 at the 41st meeting of the Council of the Common Market. According to the speaker, it was noted in the communiqué that the adoption of unilateral measures was incompatible with United Nations decisions. Further, on the

same occasion, the Presidents of the countries in question had adopted a special declaration in which they rejected the statements of the British Minister of Defence regarding the deployment of combat aircraft and naval power in the "Malvinas Islands zone", as well as the conduct of military exercises by the United Kingdom, including the firing of missiles from the Territory (see A/C.4/66/SR.2).

49. At the same meeting, speaking on behalf of the Rio Group, the representative of Chile: reiterated the Group's support for the legitimate rights of Argentina in the sovereignty dispute with the United Kingdom; recalled its declaration and special communiqué on the exploration for fossil fuels on the continental shelf around the Islands, adopted by the Heads of State and Government of Latin America and the Caribbean gathered at the Unity Summit held in Mexico on 22 and 23 February 2010; rejected the military activities of the United Kingdom in the Islands, which ran counter to the region's policy of seeking a solution to the dispute through peaceful means; and also recalled the declaration on that matter that had been adopted in Santiago in October 2010 (see A/C.4/66/SR.2).

50. At the same meeting, the Deputy Permanent Representative of Argentina stated, inter alia, that the continued existence of cases of colonialism in various forms constituted a crime that violated the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the principles of international law embodied in General Assembly resolution 2621 (XXV). He also stated that the United Kingdom was unilaterally carrying out illegal exploration for and exploitation of renewable and non-renewable natural resources in the disputed archipelagos and waters, in violation of General Assembly resolution 31/49. Furthermore, the United Kingdom was carrying out military exercises, including the firing of missiles from the Territory, which not only violated the aforementioned resolution but also obstructed the full implementation of the maritime safety standards of the International Maritime Organization and ran counter to the region's policy of consistently seeking a peaceful settlement of the dispute. The speaker concluded by saying that his Government had reiterated at every opportunity its willingness to negotiate in order to comply with its obligation to settle the dispute. It was now for the United Kingdom to fulfil its obligation as a member of the United Nations to try to reach a settlement (see A/C.4/66/SR.2).

51. On 6 October 2011, speaking on behalf of UNASUR, the representative of Guyana, inter alia, reaffirmed the strong support for the legitimate rights of the Argentine Republic in the sovereignty dispute over "the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas" and stated that the Secretary-General should continue to use his good offices to bring about the resumption of negotiations. Furthermore, the speaker recalled the UNASUR Declaration on cooperation with regard to certain movements of vessels travelling to the Islands, in particular the commitment of UNASUR members to adopt appropriate regulatory measures to prevent the entry into their ports of "vessels flying the illegal flag of the Malvinas Islands" and to inform the Argentine Government about any vessels or marine structures travelling to the Islands with cargo to be used for illegal hydrocarbon and/or mining activities on the Argentine continental shelf. The representative concluded by saying that UNASUR rejected the United Kingdom's conduct of military exercises in the Islands, which ran counter to the region's policy of seeking to resolve the dispute by exclusively peaceful means (see A/C.4/66/SR.5).

52. In speaking in exercise of the right of reply, the representatives of Argentina and of the United Kingdom reiterated their Governments' respective positions a number of times during the deliberations of the Fourth Committee (see A/C.4/66/SR.2, A/C.4/66/SR.5 and A/C.4/66/SR.6).

C. Action taken by the General Assembly

53. By resolution 58/316 of 1 July 2004, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As of the date of the issuance of the present working paper, no such notification by a Member State to the General Assembly had been received.